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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/757,899	01/14/2004	Won-Pyo Park	678-1167 (P10780)	4765
28249	7590	10/20/2005	EXAMINER	
DILWORTH & BARRESE, LLP 333 EARLE OVINGTON BLVD. UNIONDALE, NY 11553			RAMAKRISHNAIAH, MELUR	
			ART UNIT	PAPER NUMBER
			2643	
DATE MAILED: 10/20/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/757,899	PARK, WON-PYO	
	Examiner	Art Unit	
	Melur Ramakrishnaiah	2643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 1, 4-6, are rejected under 35 U.S.C 102(b) as being anticipated by Makishima (JP2001-128113).

Regarding claim 1, Makishima discloses a method for storing data of a mobile communication terminal having a wireless access to the internet, the terminal including a camera, memory, and an image processing unit for processing images captured by the camera to generate image data, the method comprising the steps of: detecting an image data storage mode when camera starts an image capturing operation (paragraphs: 0006, 0025), determining whether to use wireless access to the internet (Drawing 1) according to image data storage mode, performing wireless access to the internet according to the determination result, and transmitting in real time image data generated by the image processing unit to a remotely located file storage device (16, (Drawing 1) having a memory via wireless access to the internet (Drawings 1-3, paragraphs: 0009 –0033).

Regarding claims 4-6, Makishima further teaches the following: step of storing image data transmitted from the terminal (12, Drawing 1) in a storage region of the file storage device (16, Drawing 1), the storage device corresponding to user identification value included in image data transmitted from the terminal transmitting image data

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includes segmenting image data into packet data of a predetermined size and transmitting image data (this step is implied as the terminal 12, Drawing 1, transmitting data to the server 16 through internet which is, as is well known, a packet based network), providing a menu for setting image data storage mode (paragraph: 0011, 0021, 0032-0033).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2-3, 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Makishima in view of Fukuda (US2003/0012156 A1, filed 3-7-2001).

Regarding claims 2-3, Makishima teaches the following: obtaining destination IP address of the file storage device (16, Drawing 1, paragraph: 0031); but he does not teach the following: receiving a source IP address for internet access from a base station, user authentication of the terminal from the file storage device.

However, Fukuda discloses the following: receiving a source IP address for internet access from a PPP (paragraph: 0111), user authentication of the terminal from the file storage device(paragraph 0109, fig. 4).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Makishima's system to provide for the following; receiving a source IP address for internet access from a base station as this arrangement would

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provide one of the methods, among many possible methods, of identifying source of communication to the server as taught by Fukuda; user authentication of the terminal from the file storage device as this arrangement would verify the authorized users for accessing servers in connection with data transmission as taught by Fukuda.

Regarding claim 11, Makishima discloses a system for storing image data of a mobile communication terminal including a camera for capturing an image and an image processing unit for processing the image captured to generate image data, the system comprising: a file storage device (16, Drawing 1) including data storage section, wherein base station (14, Drawing 1) gains access to the file storage device (16) with the destination IP address information included in data transmitted from the mobile communication terminal, and transmits in real time image data from the mobile communication terminal to the file storage device (16, Drawings: 1-3, paragraphs: 0009-0033).

Regarding claims 11-12, Makishima does not teach the following: receiving a source IP address for internet access from a base station.

However, Fukuda discloses the following: receiving a source IP address for internet access from a PPP (paragraph: 0111).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Makishima's system to provide for the following; receiving a source IP address for internet access from a base station as this arrangement would provide one of the methods, among many possible methods, of identifying source of communication to the server as taught by Fukuda.

Regarding claims 12-14, Makishima further teaches the following: wireless transmission and reception section (46, Drawing 3), and a controller (40, Drawing 3), when a camera starts an image communication operation, requesting an internet transmission from base station, detecting IP address of the file storage device (16, Drawing 1) and gaining access to the IP address through wireless communication session, file storage device (16, Drawing 1) includes a data storage section in which a storage region is assigned according to user identification value of the mobile communication terminal, file storage device includes a user computer having a unique IP address (paragraphs: 0009 –0033).

5. Claims 7-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Makishima in view of Sellen et al. (US 2003/0011682, hereinafter Sellen).

Makishima differs from claim 7 in that he does not teach the following: menu that includes data storage modes of an internal memory storage mode, an internet file storage server mode, and an email server storage mode.

However, Sellen discloses method of sending digital photographs which teaches the following: providing menus for user guidance and menus for providing contextual help (fig. 1, paragraphs: 0036-0042, 0055).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Makishima's system to provide for the following; menu that includes data storage modes of an internal memory storage mode, an internet file storage server mode, and an email server storage mode as this arrangement would

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help facilitate user to have user interface for carrying out various operations desirable in user context as taught by Sellen.

Regarding claim 8, Makishima teaches the following: internet file storage server (16, Drawing 1) includes a user computer having a unique IP address (paragraphs:0031-0033).

Regarding claims 9-10, Makishima teaches the following: if the set image data storage mode detected is the server storage mode, temporarily storing image data, generated After the camera starts image capturing operation, in memory, detecting the amount of image data generated from the camera and determining whether the detected amount of image data is a predetermined value for internet access, if the determination result is that detected amount of image data is the predetermined value, automatically gaining wireless access to the internet and transmitting data to the remotely located file storage device (16, Drawing 1) having memory, wherein amount of image data generated from the camera is detected, and if the desired amount of image data is the predetermined value to internet access, and step includes the step of intermittently gaining wireless access to the internet (paragraphs: 0009 –0033).

Makishima differs from claim 9 in that he does not teach the following: detecting email server mode.

However, Sellen teaches the following: detecting email server mode (paragraphs: 0015 – 0018).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Makishima's system to provide for the following; detecting

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email server mode as this arrangement would facilitate delivering image to an intended sever for further delivery to the intended recipient as taught by Sellen.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melur Ramakrishnaiah whose telephone number is (571)272-8098. The examiner can normally be reached on 9 Hr schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curt Kuntz can be reached on (571) 272-7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Melur Ramakrishnaiah
Primary Examiner
Art Unit 2643